
**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

DONNA WRIGHT,

Plaintiff,

v.

RIO TINTO AMERICA, INC., and
SEDGWICK CLAIMS MANAGEMENT
SERVICES, INC.,

Defendants.

SCHEDULING ORDER

No. 2:19-cv-00234-HCN-DBP

Howard C. Nielson, Jr.

United States District Judge

Pursuant to the court's oral order at the June 18, 2020 hearing dismissing without prejudice Plaintiff Donna Wright's ("Plaintiff") claims for (1) assault and battery; (2) intentional interference with economic relations; (3) intentional infliction of emotional distress; and (4) abuse of process¹ (collectively, the "Claims Dismissed Without Prejudice") and for good cause appearing, IT IS HEREBY ORDERED that:

1. Plaintiff shall have until July 20, 2020 to file a motion for leave to amend her Second Amended Complaint to address the pleading deficiencies in her Claims Dismissed Without Prejudice.

¹ Plaintiff's claims for breach of fiduciary duty were dismissed with prejudice. Currently, only Plaintiff's claims against Defendant Rio Tinto America Inc. ("Rio Tinto") for discrimination based on disability, age, and gender remain (collectively the "Discrimination Claims").

2. Defendant Rio Tinto America Inc. and/or Defendant Sedgwick Claims Management Services, Inc.'s ("Sedgwick") may oppose Plaintiff's motion for leave to amend and shall have until August 20, 2020 to do so.
3. If Plaintiff does not file a motion to amend by July 20, 2020, each of her Claims Dismissed Without Prejudice shall be dismissed with prejudice, and Sedgwick shall no longer be a defendant in this case.
4. If the court denies the motion to amend one or more claims on the ground that the proposed amendments do not cure the deficiencies identified by the court, the claim or claims as to which leave was denied shall be dismissed with prejudice.
5. If Plaintiff files a motion to amend on or before July 20, 2020, Rio Tinto need not file an answer addressing the Discrimination Claims until the court has ruled on the motion. Rio Tinto and Sedgwick (to the extent that any claims remain against Sedgwick) shall file an answer or responsive pleading addressing all remaining claims within thirty days of the court's ruling.
6. If Plaintiff does not file a motion to amend by July 20, 2020, Rio Tinto shall have until August 20, 2020 to file an answer addressing the Discrimination Claims.

IT IS SO ORDERED

Dated this 2nd day of July, 2020.

BY THE COURT:


Howard C. Nielson, Jr.
United States District Judge